

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

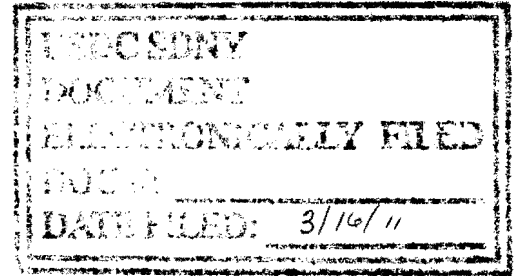
LURINE GLOVER,

Plaintiff,

v.

MICHAEL J. ASTRUE,

Defendant.



06 Civ. 4586 (RO)

**ORDER**

OWEN, District Judge:

Plaintiff brings this action under 42 U.S.C. §§ 405(g) and 1383(c)(3), seeking judicial review of a final decision of the Commissioner of Social Security (the "Commissioner"). Specifically, Plaintiff challenges the Commissioner's finding that she is entitled to supplemental security income under the Social Security Act (the "Act") from a later date (January 21, 2004), rather than an earlier one.<sup>1</sup>

Before the Court are two motions: the Commissioner's motion to remand Plaintiff's case back to the Social Security Administration for further proceedings under the fourth sentence of 42 U.S.C. § 405(g), and Plaintiff's motion for judgment on the pleadings under Federal Rule of Civil Procedure 12(c).

On July 29, 2010, Magistrate Judge Lisa Margaret Smith issued a Report and Recommendation (the "Report") in which she recommended that the decision of the Commissioner be reversed and remanded for further administrative proceedings. Neither party

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<sup>1</sup> The factual and procedural history behind this case is detailed in the July 29, 2010 Report and Recommendation of Magistrate Judge Lisa Margaret Smith, and will not be repeated here.

filed objections to the Report. On August 26, 2010, this case was transferred from Judge Stephen C. Robinson to this Court.

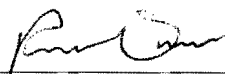
United States Magistrate Judges hear dispositive motions and make proposed findings of fact and recommendations, generally in the form of a Report and Recommendation. Absent objections to the Report from either party, district courts review those orders under a clearly erroneous or contrary to law standard of review. 28 U.S.C. § 636(b)(1)(A).

The Court concurs with the Report and Recommendation of Judge Smith, and hereby adopts it, in its entirety, as the Order of this Court. Accordingly, the Commissioners' motion for remand is granted, Plaintiff's motion for judgment on the pleadings is denied, and the Commissioner's determination is reversed and remanded for further administrative proceedings under sentence four of 42 U.S.C. § 405(g).

As noted in the Report and Recommendation, as a remand under sentence four, the Court's decision would constitute a final judgment, and the Clerk of the Court is directed to close the case. *See generally Shalala v. Schaefer*, 509 U.S. 292, 297-99 (1993) ("a sentence-four remand order terminates the civil action seeking judicial review of the...final decision").

SO ORDERED.

March 15, 2011

  
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RICHARD OWEN  
UNITED STATES DISTRICT JUDGE